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4	IN THE UNITED STATES DISTRICT COURT
5	FOR THE DISTRICT OF ARIZONA
6	
7	United States of America, ) CR 04-00585-1-PHX-FJM
8	Plaintiff, ORDER
9	vs.
10	
11	Larry James Rady,
12	Defendant. )
13	)
14	The court is in receipt of the requested Supplement. (Doc. 110). However, we are not
15	persuaded that the authority cited supports jurisdiction. For example, the quotation to Rule
16	23(b)(3), Fed. R. App. P. conflates the language of Rule 23(b)(3) with Rule 23(c). Moreover,
17	neither rule is directly in point. Rule 23(b) applies where "a decision not to release a prisoner
18	is under review." That is not the case here. Rule 23(c) applies where "a decision ordering
19	the release of a prisoner is under review." That, too, is not the case here. The parties have
20	failed to support their request with any precedent.
21	This is a case in which there was an appeal and no mandate has issued. The parties may
22	have to seek relief in the court of appeals or get the mandate issued, unless they can support
23	their request with more persuasive authority.
24	DATED this 10 <sup>th</sup> day of January, 2018.
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26	Frederick J. Martone Frederick J. Martone
27	Trederick VI MATTONE
28	Senior United States District Judge